

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X

MALIBU MEDIA, LLC,

Plaintiff,

-against-

**ORDER ADOPTING REPORT  
AND RECOMMENDATION**

18-cv-00055 (DRH)(SIL)

JOHN DOE, subscriber assigned IP

Address 24.45.17.62,

Defendant.

-----X

Presently before the Court is the Report and Recommendation of Magistrate Judge Steven I. Locke, dated April 20, 2020, recommending that Plaintiff's motion as to Defendant's liability be granted and that Malibu Media be awarded: (1) \$31,500.00 in statutory damages; (2) an injunction prohibiting Defendant from further infringement and ordering him to destroy all copies of the Films; (3) \$400.00 in fees and costs; and (4) post-judgment interest pursuant to 28 U.S.C. § 1961(a). More than fourteen (14) days have passed since service of the Report and Recommendation and no objections have been filed.

Pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72, this Court has reviewed the Report and Recommendation for clear error, and finding none, now concurs in both its reasoning and its result. Accordingly, the Court adopts the April 20, 2020 Report and Recommendation of Judge Locke as if set forth herein.

The Report and Recommendation recommended that Plaintiff's request for \$321.50 in connection with a process service fee be denied due to lack of supporting documentation. Subsequent to the filing of the Report and Recommendation, Plaintiff

submitted an invoice from Demovsky Lawyer Services totaling \$321.50 in support of its Motion for Default Judgment. (DE 26.) Therefore, Plaintiff shall also be awarded \$321.50. Accordingly,

**IT IS HEREBY ORDERED** that plaintiff's motion for default judgment is granted and plaintiff is awarded (1) \$31,500.00 in statutory damages; (2) \$721.50 in fees and costs; and (3) post-judgment interest pursuant to 28 U.S.C. § 1961(a); and

**IS IT FURTHER ORDERED** that Defendant is hereby enjoined from directly, contributorily or indirectly infringing Plaintiff's rights under federal or state law in the films identified at DE 24-2 (the "Films"), including, without limitation, by using the internet, BitTorrent or any other online media distribution system to reproduce (e.g., download) or distribute the Films, or to make the Films available for distribution to the public, except pursuant to a lawful license or with the express authority of Plaintiff; and

**IS IT FURTHER ORDERED** that Defendant is hereby ordered to destroy all copies of the Films that the Defendant has downloaded onto any computer hard drive or server without Plaintiff's authorization, and shall destroy all copies of the Films transferred onto any physical medium or device in Defendant's possession, custody, or control;

**IT IS FURTHER ORDERED** that the caption of the case be amended to reflect the true name of the defendant, to wit James Coon, in lieu and instead of JOHN DOE, subscriber assigned IP Address 24.45.17.62.

The Clerk of Court is directed to enter judgment accordingly and to close this case.

Dated: Central Islip, New York  
May 28, 2020

s/ Denis R. Hurley  
Denis R. Hurley  
United States District Judge